

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

ADRIAN LEMONS, et al.

Defendants.

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No.: 4:15-CR-404-HEA NAB

MOTION TO VACATE THE COURT'S ORDER OF JULY 15, 2019

COMES NOW Defendant Adrian Lemons, by and through counsel Daniel J. Bruntrager and Kathryn Parish, and respectfully request that this Court set aside its Order of July 15, 2019 as being improvidently granted for the following reasons:

1. On July 15, 2019, this Court entered a Preliminary Motion for Forfeiture of Property and Money Judgment by U.S.A. as to Adrian Lemons.
2. The parties in the Guilty-Plea Agreement specifically reserved the right under Section 8.g of the Guilty-Plea Agreement to file a written objection to the Preliminary Order of Forfeiture seven days prior to sentencing. Further, Section 8.g stated that any item to which the parties cannot resolve on the issue of forfeiture, the parties agree to litigate the issue(s) before the Court at the time of sentencing. In that same section, Defendant specifically reserved his right to contest forfeiture of the items in the forfeiture allegations under Fed. Rule Crim. Pro. 32.2.
3. The parties are still hoping to, but have not resolved any issue of forfeiture to date.

Mr. Lemons further requests an extension of time in which to respond to the preliminary order of forfeiture. Due to a number of circumstances, including a death in counsel Parish's family and prearranged travel plans scheduled for early next week, counsel have not yet been able to meet with Mr. Lemons since the time the Motion for the preliminary order of forfeiture was filed, and determine whether these issues may be resolved prior to sentencing. Counsel is therefore requesting through August 21st, three weeks before sentencing, to respond to the preliminary order of forfeiture.

WHEREFORE, for the reasons outlined above, Defendant Adrian Lemons respectfully requests this Court to set aside and vacate its Order of July 15, 2019 regarding its Preliminary Order of Forfeiture of Property and Money Judgment by the U.S.A. as to Adrian Lemons, and further that counsel be granted an extension of time, up to and including August 21st, in which to respond to the Motion for a Preliminary Order of Forfeiture.

BRUNTRAGER & BILLINGS, P.C.

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CERTIFICATE OF SERVICE

I hereby certify that on the 2nd day of August, 2019 the foregoing **Motion to Vacate the Court's Order of July 15, 2019** was filed electronically with the Clerk of Court to be served by operation of the Court's electronic filing system upon all attorneys of record.

/s/ Daniel J. Bruntrager_____